

Exhibit F

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 216

**** HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER ****

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE APPLE iPHONE TRUST
LITIGATION

)
)
) Civil Action No.
) 4:11-cv-06715YGR
)
)

**ZOOM VIDEOTAPED DEPOSITION OF
MATTHEW FISCHER, VOLUME II
Hillsboro, California
Thursday, January 7, 2021**

Reported by:

LORI M. BARKLEY, CSR No. 6426

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 217

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE APPLE iPHONE TRUST) Civil Action No.
LITIGATION) 4:11-cv-06715YGR

Zoom Videotaped deposition of MATTHEW
FISCHER, Volume II, taken on behalf Plaintiff, at
Hillsboro, California, beginning at 8:38 a.m., and
ending at 2:42 p.m., on Thursday, January 7, 2021,
before LORI M. BARKLEY, Certified Shorthand Reporter
No. 6426.

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 218

1 APPEARANCES:

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HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 219

1 APPEARANCES (CONTINUED) :

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16 For Developer Plaintiffs in the Cameron Matter:

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HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 220

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21 Videographer: Cyril Suszckiewicz

22

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HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 285

1 Q. So Mr. Fischer, you should be able to see
2 and tell us when it's loaded, an analyst report from
3 Goldman Sachs from June of 2013. Tell us when you
4 have that in front of you?

5 A. This is Exhibit 0079; is that right?

6 Q. Correct. This is exhibit 79 and it should
7 be the Goldman Sachs analyst report.

8 (Exhibit 79 was marked for identification and
9 is attached hereto.)

10 THE WITNESS: Okay.

11 BY MR. RIFKIN:

12 Q. Okay, have you seen this before?

13 A. If you can give me just a minute for look
14 through it.

15 Q. Would it be helpful if I showed you the
16 e-mail from Mr. Schiller to you dated June 20, 2013?

17 A. Yes, that would be very helpful.

18 MR. RIFKIN: Kate, why don't you put up
19 2311. So this is Exhibit 80 now.

20 (Exhibit 80 was marked for identification and
21 is attached hereto.)

22 MS. MCGUIRE: Sure thing.

23 (Technology discussion).

24 BY MR. RIFKIN:

25 Q. Okay. You see the e-mail -- Exhibit 80 is

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 286

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5 Now, does that refresh your recollection
6 that you saw this Goldman Sachs report [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] Do you remember seeing an analyst
11 report that discussed switching costs?

12 A. No, I do not.

13 Q. Okay. Do you know what switching costs are?

14 A. I think as it relates to this report, I
15 could -- I could venture a guess at what switching
16 costs are.

17 Q. Okay. You understand that's the cost a
18 consumer would have to incur to move from an iOS
19 device to another kind of device like for example, an
20 Android device. [REDACTED]

[REDACTED]

22 A. I don't know what the word "cost" means,

23 [REDACTED]

[REDACTED]

25 Q. So for example -- okay, can you, can you

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 287

1 take the -- the native apps that you've downloaded
2 and I don't mean you, I mean can anyone, can a
3 customer, take the native apps that he or she
4 downloaded on to his or her iPhone and migrate them
5 over to Android device and switch from Apple to the
6 Android environment?

7 A. I believe that there are tools that exist to
8 help customers, you know, migrate their data and --
9 and I don't know if it's apps as well, when switching
10 from, you know, one operating system to another,
11 whether that's, you know, iPhone to Android or vice
12 versa.

13 Q. Okay. Now, the Goldman report says the cost
14 of switching platforms is significant and indeed it
15 was not possible to transfer all of our content.

16 Have you ever tried to do that, to switch
17 data from an Apple device to Android device?

18 A. I have not tried to do that personally, no.

19 Q. Okay. And Goldman Sachs says the explicit
20 switching costs of switch, of our switch totals
21 \$79.85 in June of 2013.

22 Do you -- do you have any basis to know
23 whether that figure is accurate or inaccurate as of
24 June 2013?

25 A. Should I be switching back to the previous

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 288

1 exhibit? I --

2 Q. Sure. If you want to look at Exhibit 79
3 that would be helpful. And I'm reading from the
4 first page.

5 A. All right. So I'm back in Exhibit 79.

6 Could you repeat your question?

7 Q. Sure. And I'm reading from the paragraph
8 under the heading Implications. Goldman Sachs says
9 that (as read):

10 The explicit switching costs of
11 our switch total \$79.85.

12 And I'm asking you if you have any basis to
13 know whether that was accurate or not as of June
14 2013?

15 A. I don't know. I wasn't involved in the
16 creation of this report.

17 Q. Okay. Well, have you ever seen any -- any
18 measure or estimate of switching costs from -- from
19 an Apple device to Android device, other than that?

20 A. I don't -- I don't recall seeing anything
21 like this. I mean, this is quite an old report and I
22 believe that there have been quite a few developments
23 since 2013 to make it easier for customers to switch
24 from, as I mentioned, one operating system to
25 another.

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 289

1 But as I said, that's not something that
2 I've personally done myself.

3 Q. Is that part of your responsibility to drive
4 top line growth, to be aware of the ease with which
5 customers can switch from one device, an Apple
6 device, to an Android device?

■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]

12 Q. Okay. And do you know what the switching
13 cost is today, do you have any estimate of what the
14 switching cost is today?

15 A. I don't know how it's possible to determine
16 a definitive switching cost. It probably depends on
17 the -- on the actual user. The customer, and what
18 type of apps they have on their phone that they want
19 to switch over.

20 Q. So when you said that there have been some
21 recent developments that make it easier, to the best
22 of your knowledge what -- what developments were you
23 thinking of that make it easier for a customer to
24 switch now from an Apple device to Android device?

25 A. I remember seeing some apps over the past

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 290

1 several years that focused on helping customers, in
2 this case that are on -- new customers to iOS, to
3 migrate their data over from their Android phone.

4 I don't recall the names of the apps
5 specifically, but I recall seeing -- seeing, you
6 know, one or two apps like that over the past several
7 years.

8 Q. Okay. But you don't recall any of them as
9 you sit here today?

10 A. I don't -- I don't remember the names, and
11 again, that's personally not something that I've
12 done.

13 Q. Okay.

14 MR. RIFKIN: Kate, let's pull up another
15 document, 09708562.

16 Q. Mr. Fischer, just let us know when it's
17 loaded on to your system.

18 A. Okay.

19 (Exhibit 81 was marked for identification and
20 is attached hereto.)

21 (Technology discussion.)

22 BY MR. RIFKIN:

23 Q. Mr. Fischer, if you could let us know when
24 you have that up.

25 A. Is this Exhibit 81?

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 414

1 STATE OF CALIFORNIA) ss.
2 COUNTY OF LOS ANGELES)
3

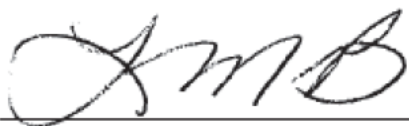
4 I, Lori M. Barkley, CSR No. 6426, do hereby
5 certify:

6 That the foregoing deposition testimony
7 taken before me at the time and place therein set
8 forth and at which time the witness was administered
9 the oath;

10 That the testimony of the witness and all
11 objections made by counsel at the time of the
12 examination were recorded stenographically by me, and
13 were thereafter transcribed under my direction and
14 supervision, and that the foregoing pages contain a
15 full, true and accurate record of all proceedings and
16 testimony to the best of my skill and ability.

17 I further certify that I am neither counsel
18 for any party to said action, nor am I related to any
19 party to said action, nor am I in any way interested
20 in the outcome thereof.

21 IN WITNESS WHEREOF, I have subscribed my
22 name this 8th day of January, 2021.
23

24 

25 LORI M. BARKLEY, CSR No. 6426